

Appln. No. 10/808,096
Amendment dated August 8, 2005
Reply to Office Action mailed May 6, 2005

BEST AVAILABLE COPY**REMARKS**

Reconsideration is respectfully requested.

Claims 1, 2, 6, and 7 remain in this application. Claims 3 through 5 and 8 have been cancelled. No claims have been withdrawn. Claims 9 through 13 have been added.

Sections 1 through 5 of the Office Action

Claims 1 through 8 have been rejected under 35 U.S.C. §102(b) as being anticipated by Gross (3,021,532).

Claims 1 through 6 have been rejected under 35 U.S.C. §102(b) as being anticipated by Grosvold (D 159,726).

Claims 7 and 8 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Grosvold (D 159,726) in view of Gross (3,021,532).

Claim 1, particularly as amended, requires "said plunger portion comprising a bulb member and a sleeve member united together", "said bulb member being defined by a substantially spherical bulb wall and said sleeve member being defined by a substantially cylindrical sleeve wall extending from said bulb wall at a juncture, said sleeve wall terminating at a substantially circular end opening" and most significantly requires "said substantially cylindrical sleeve wall having a uniform diameter from said juncture with said substantially spherical bulb wall to said end opening of said sleeve wall".

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This relationship of the claimed invention, and particularly the relationship between the walls of the bulb and sleeve, function to resist the sleeve collapsing back into the interior of the bulb due to the uniform diameter of the sleeve right up to the juncture with the bulb, which is in contrast, for example, with the structure advocated in the Gross patent, in which the skirt (32) increases in diameter toward the force cup body portion (10), which facilitates retraction of the skirt into the interior of the body portion as shown, for example, in Figure 4 of the Gross patent.

Further, the substantially uniform diameter of the sleeve of the claimed invention also facilitates the insertion of the sleeve into the trap area of the toilet, which is in contrast to the structure advocated in the Grosveld patent, where the diameter of the bottom portion increases toward the lower end of the bottom portion, which would hamper its insertion into the trap portion of a toilet.

It is therefore submitted that the cited references, and especially the allegedly obvious combination of Gross and Grosveld set forth in the rejection of the Office Action, would not lead one skilled in the art to the applicant's invention as required by claim 1. Further, claims 2, 6, 7, and 9 through 13, which depend from claim 1, also include the requirements discussed above and therefore are also submitted to be in condition for allowance.

Withdrawal of the §102(b) and §103(a) rejections of claims 1, 2, 6, and 7 is therefore respectfully requested.

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CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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By Jeff Proehl Date: August 8, 2005
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